

DRUMMOND LAW FIRM

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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

ALEKA JACKSON, individually;
 BETTY JACKSON, individually;

 Plaintiffs,

vs.

KEY INSURANCE, a foreign corporation
 d/b/a STORM LEGAL GROUP and d/b/a
 DESERT RIDGE LEGAL GROUP; DOES I
 through V; and ROE CORPORATIONS VI-
 X, inclusive,

 Defendants.

CASE NO.: 2:22-cv-01542-APG-VCF

**STIPULATION AND ORDER TO
 EXTEND THE CLOSE OF
 DISCOVERY, DISPOSITIVE
 MOTIONS DEADLINE, AND JOINT
 PRETRIAL ORDER DEADLINE**

(Seventh Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs ALEKA JACKSON and BETTY JACKSON (“Plaintiffs”), through their counsel of record, Craig W. Drummond, Esq. of the DRUMMOND LAW FIRM; and Defendant KEY INSURANCE COMPANY d/b/a STORM LEGAL GROUP and d/b/a DESERT RIDGE LEGAL GROUP (“Defendant”), through its counsel of record, James P.C. Silvestri and Ali R. Iqbal of PYATT SILVESTRI, that the close of discovery, dispositive motions deadline, and joint pretrial order deadline shall be extended sixty (60) days pursuant to LR 26-3. This is the parties’ seventh request for an extension of the discovery deadlines. The parties set forth the following information in support of their stipulation, including additional discovery undertaken since the last stipulation, which is designated in **bold**.

I.

DISCOVERY COMPLETED TO DATE**A. FRCP 26(a) Disclosures and Supplements**

<u>Title</u>	<u>Date Served</u>
Plaintiffs Initial Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	Jan. 18, 2023
Defendant's Initial List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	Jan. 18, 2023
Defendant's First Supplemental List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	Mar. 16, 2023
Defendant's Second Supplemental List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	Nov. 2, 2023
Defendant's Initial Designation of Expert Witnesses and Disclosure	Nov. 2, 2023
Plaintiffs' Initial Expert Disclosure Pursuant to FRCP 26(a)(2)	Nov. 3, 2023
Plaintiffs' First Supplement to Disclosure of Documents and Witnesses Pursuant to FRCP 26(a)(1)	Dec. 1, 2023
Plaintiffs' Rebuttal Expert Disclosure Pursuant to FRCP 26(a)(2)	Dec. 4, 2023
Defendant's Designation of Rebuttal Expert Witnesses and Disclosure	Dec. 4, 2023
Defendant's Third Supplemental List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	Dec. 4, 2023
Defendant's Fourth Supplemental List of Witnesses and Disclosure of Documents Pursuant to FRCP 26(F)	Dec. 5, 2023
Plaintiffs' First Supplement to Initial Expert Disclosure Pursuant to FRCP 26(a)(2)	Jan. 11, 2024
Plaintiff's Second Supplement to Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1)	July 5, 2024
Defendant Key Insurance Company's 2 nd Supplemental Privilege Log	Aug. 22, 2024

B. Written Discovery

<u>Title</u>	<u>Date Served</u>
Plaintiff Aleka Jackson's First Set of Interrogatories to Defendant Key Insurance Company d/b/a Storm Legal Group and d/b/a Desert Ridge Legal Group	Feb. 14, 2023
Plaintiff Betty Jackson's First Set of Interrogatories to Defendant Key Insurance Company d/b/a Storm Legal Group and d/b/a Desert Ridge Legal Group	Feb. 14, 2023

1	Plaintiffs' First Set of Requests for Production of Documents to Defendant Key Insurance Company d/b/a Storm Legal Group and d/b/a Desert Ridge Legal Group	Feb. 14, 2023
2		
3	Defendant Key Insurance Company's Responses to Plaintiff Aleka Jackson's First Set of Requests for Interrogatories	Mar. 16, 2023
4	Defendant Key Insurance Company's Responses to Plaintiff Betty Jackson's First Set of Requests for Interrogatories	Mar. 16, 2023
5	Defendant Key Insurance Company's Responses to Plaintiff's First Set of Requests for Production	Mar. 16, 2023
6	Defendant Key Insurance Company's First Set of Interrogatories to Plaintiff Aleka Jackson	Mar. 22, 2023
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8	Defendant Key Insurance Company's First Set of Requests for Production to Plaintiff Aleka Jackson	Mar. 22, 2023
9	Defendant Key Insurance Company's First Set of Requests for Admissions to Plaintiff Aleka Jackson	Mar. 22, 2023
10	Defendant Key Insurance Company's First Set of Interrogatories to Plaintiff Betty Jackson	Mar. 22, 2023
11	Defendant Key Insurance Company's First Set of Requests for Production to Plaintiff Betty Jackson	Mar. 22, 2023
12		
13	Defendant Key Insurance Company's First Set of Requests for Admissions to Plaintiff Betty Jackson	Mar. 22, 2023
14	Plaintiff Aleka Jackson's Answers to Defendant Key Insurance Company's First Set of Interrogatories	April 21, 2023
15	Plaintiff Aleka Jackson's Responses to Defendant Key Insurance Company's First Set of Requests for Production of Documents	April 21, 2023
16	Plaintiff Aleka Jackson's Responses to Defendant Key Insurance Company's First Set of Requests for Admissions	April 21, 2023
17	Plaintiff Betty Jackson's Answers to Defendant Key Insurance Company's First Set of Interrogatories	April 21, 2023
18	Plaintiff Betty Jackson's Responses to Defendant Key Insurance Company's First Set of Requests for Production of Documents	April 21, 2023
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20	Plaintiff Betty Jackson's Responses to Defendant Key Insurance Company's First Set of Requests for Admissions	April 21, 2023
21	Plaintiff Aleka Jackson's Second Set of Interrogatories to Defendant Key Insurance Company d/b/a Storm Legal Group and d/b/a Desert Ridge Legal Group	Feb. 29, 2024
22		
23	Plaintiffs' Second Set of Requests for Production of Documents to Defendant Key Insurance Company d/b/a Storm Legal Group and d/b/a Desert Ridge Legal Group	Feb. 29, 2024
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25		

C. Depositions

<u>Deponent</u>	<u>Date</u>
Plaintiff Betty Jackson	April 20, 2023

1	Plaintiff Aleka Jackson	April 21, 2023
2	Terry McCollam	Dec. 4, 2023
3	Carolyn Bowers	Dec. 5, 2023
4	Carolyn Bowers (continued)	Aug. 7, 2024

II.

DISCOVERY TO BE COMPLETED

1. Following the decision and affirmance on the Plaintiff's Motion to Compel Production of Unredacted Documents and Deposition Testimony (CMECF #50), the parties worked together to set the FRCP 30(b)(6) Witness(es) for Defendant Key Ins. Co. The Order Affirming Magistrate Judge's Order Denying Motion to Compel was filed on December 16, 2024 (CMECF #68). The earliest date for the deponent and defense following that decision was Friday, January 24, 2025 at 10:00am. Unfortunately, that morning defense counsel learned that their deponent had been taken to the hospital for an emergency medical condition. As such, it was agreed by the parties to reschedule the FRCP 30(b)(6) deposition, as well as the potential deposition of attorney Thomas Laramore if such need should arrive based on the FRCP 30(b)(6) deposition. At this time, defense counsel is working with their client to determine the deponent[s], and potential dates, for the re-scheduled FRCP 30(b)(6) deposition and this continuance of discovery is being requested based on the unforeseen emergency health circumstance of the deponent.

a. FRCP 30(b)(6) Witness(es) for Defendant Key Ins. Co.

b. Thomas Laramore (Potential Deposition)

III.

REASONS DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS AND NEEDS TO BE EXTENDED

"[D]istrict courts . . . retain broad discretion to control their dockets....." *Shahrokhi v. Harter*, No. 2:21-cv-01126-RFB-NJK, 2021 U.S. Dist. LEXIS 247936, at *4 (D. Nev. Dec. 30, 2021). To prevail on a request to extend discovery deadlines, the parties must establish good cause. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608-09 (9th Cir. 1992). "Good cause to extend a discovery deadline exists if it cannot reasonably be met despite the diligence of the party seeking

1 the extension.” *Las Vegas Skydiving Adventures LLC v. Groupon, Inc.*, No. 2:18-cv-02342-APG-
2 VCF, 2020 U.S. Dist. LEXIS166073, at *6 (D. Nev. Sep. 10, 2020) (internal quotations omitted).
3 For the reasons set forth below, the parties respectfully submit that good cause supports their request
4 for an extension of the close of discovery, dispositive motions deadline and joint pretrial order
5 deadline.

6 The parties respectfully request an extension of the close of discovery, dispositive motions
7 deadline, and joint pretrial order deadline for after the rescheduled the FRCP 30(b)(6) deposition, as
8 well as the potential deposition of attorney Thomas Laramore if such need should arrive based on
9 the FRCP 30(b)(6) deposition

10 On April 8, 2024, Attorney Dennis Prince, Esq. unexpectedly passed away. On June 19, 2024,
11 Attorney Drummond filed his Stipulation to Substitute as Lead Counsel. *See* 2:22-cv-01542-APG-
12 MDC Document 44. On August 7, 2024, Attorney Drummond took the second part of the depositions
13 of Ms. Carolyn Bowers who was the Claims Handler for the underlying insurance claim. That
14 following the deposition of Ms. Bowers on August 7, 2024, Attorney Drummond conferred with
15 Attorney Iqbal regarding matters related to attorney-client privilege and work-product privilege.
16 Further, counsel for the parties discuss the then upcoming FRCP 30(b)(6) deposition set for August
17 15, 2024. Further, counsel for the parties discussed that they would likely need to be moved to
18 address the assertion of attorney-client privilege, as well as to agree on the topic areas. On Friday,
19 August 9, 2024, a conference call was held during which all counsel participated, including Attorney
20 Joseph Tutone, Esq. with the Drummond Law Firm, as well as Mr. Silvestri and Mr. Iqbal with Pyatt
21 Silvestri representing the Defendant.

22 **Following the conference, on August 19, 2024, counsel for the Plaintiffs filed a Motion**
23 **to Compel Production of Unredacted Documents and Deposition Testimony (CMECF #50).**
24 **On December 3, 2024, this Honorable Court signed the Sixth Request to extend discovery**
25 **(CMECF #67). As outlined above, the Order Affirming Magistrate Judge’s Order Denying**
26 **Motion to Compel was filed on December 16, 2024 (CMECF #68). The earliest date for the**
27 **deponent and defense following that decision was Friday, January 24, 2025 at 10:00am.**
28 **Unfortunately, that morning defense counsel learned that their deponent had been taken to**
the hospital for an emergency medical condition. As such, it was agreed by the parties to

reschedule the FRCP 30(b)(6) deposition, as well as the potential deposition of attorney Thomas Laramore if such need should arrive based on the FRCP 30(b)(6) deposition. At this time, defense counsel is working with their client to determine the deponent[s], and potential dates, for the re-scheduled FRCP 30(b)(6) deposition and this continuance of discovery is being requested based on the unforeseen emergency health circumstances.

This request is being made before the current deadlines expire from the Sixth requested extension filed on December 3, 2024, (CMECF #67).

Based on the reasons set forth above, the parties respectfully submit that good cause supports their requested stipulation for sixty days (60) day extension of the close of discovery, dispositive motions deadline, and joint pretrial order deadline. The parties' requested extension of these deadlines is not made in bad faith or to cause any unnecessary delays in the resolution of this matter.

IV.

PROPOSED SCHEDULE FOR COMPLETING DISCOVERY

	<u>Current Date</u>	<u>Proposed Date</u>
Amend Pleadings and Add Parties:	July 5, 2023	Closed
Initial Expert Disclosures:	August 3, 2023	Closed
Rebuttal Expert Disclosures:	September 5, 2023	Closed
Close of Discovery:	January 28, 2025	March 31, 2025¹
Dispositive Motions	February 27, 2025	April 30, 2025
Joint Pretrial Order	March 31, 2025	May 30, 2025

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¹ Actual deadline falls on Saturday, March 29, 2025.

1 Based on the foregoing, the parties respectfully request this Court grant their Stipulation and
2 Order to Extend the Close of Discovery Dispositive Motions Deadline and Joint Pretrial Order
3 (Seventh Request).

4
5 DATED this 27th day of January, 2025.

DATED this 27th day of January, 2025.

6 **DRUMMOND LAW FIRM**

PYATT SILVESTRI

7
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17 **IT IS SO ORDERED:**

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UNITED STATES MAGISTRATE JUDGE

20 DATED: 1-27-25
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